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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,750	03/10/2004	Kazuhiro Kondo	SUSU122563	7201
26389	7590	08/22/2006	EXAMINER	
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347			LUNDGREN, JEFFREY S	
			ART UNIT	PAPER NUMBER
			1639	

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

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Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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101 798 750

EXAMINER
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ART UNIT	PAPER
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20060806

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR §§ 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

Specifically, there were errors in the substitute computer readable format. See attached copy of "Raw Sequence Listing Error Report." The computer readable format must be corrected.

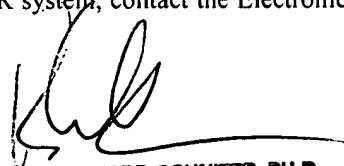
APPLICANT IS GIVEN A ONE MONTH EXTENDABLE PERIOD WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 CFR §§ 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR § 1.136. In no case may an applicant extend the period for response beyond the six-month statutory period. Applicant is requested to return a copy of the attached Notice to comply with the response.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Jeff Lundgren whose telephone number is 571-272-5541. The Examiner can normally be reached from 7:00 AM to 5:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Peter Paras, can be reached on 571-272-4517. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JSL

  
**RICHARD SCHNIZER, PH.D.**  
**PRIMARY EXAMINER**

<b>Notice to Comply</b>	<b>Application No.</b> 10/798,750	<b>Applicant(s)</b> Kondo et al.	
	<b>Examiner</b> J. Lundgren	<b>Art Unit</b> 1639	

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set in the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: Amino acid sequences listed in claims 27-28 should be identified by a sequence identifier.

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.**
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-2510

For CRF Submission Help, call (571) 272-2501/2583.

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**

## **STIC Biotechnology Systems Branch**

### **RAW SEQUENCE LISTING** **ERROR REPORT**

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 10/798,750A  
Source: IFW016  
Date Processed by STIC: 5-17-06

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE **CHECKER VERSION 4.4.0 PROGRAM**, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05):  
U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314

Revised 01/10/06

### Raw Sequence Listing Error Summary

**SERIAL NUMBER:**

SERIAL NUMBER: 10118/15077

**ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE**

- 1      **Wrapped Nucleics**  
    **Wrapped Aminos**      The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to .3; this will prevent "wrapping."
  - 2      **Invalid Line Length**      The rules require that a line not exceed 72 characters in length. This includes white spaces.
  - 3      **Misaligned Amino**  
    **Numbering**      The numbering under each 5<sup>th</sup> amino acid is misaligned. Do not use tab codes between numbers; use space characters, instead.
  - 4      **Non-ASCII**      The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text.
  - 5      **Variable Length**      Sequence(s)          contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220>-<223> section that some may be missing.
  - 6      **PatentIn 2.0**  
    **"bug"**      A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequences(s)                 . Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies to the mandatory <220>-<223> sections for Artificial or Unknown sequences.
  - 7      **Skipped Sequences**  
    **(OLD RULES)**      Sequence(s)          missing. If intentional, please insert the following lines for each skipped sequence:  
                            (2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)  
                            (i)     SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading)  
                            (xi)  SEQUENCE DESCRIPTION:SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)  
                            This sequence is intentionally skipped  
  
                            Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to include the skipped sequences.
  - 8      **Skipped Sequences**  
    **(NEW RULES)**      Sequence(s)          missing. If intentional, please insert the following lines for each skipped sequence.  
                            <210> sequence id number  
                            <400> sequence id number  
                            000
  - 9      **Use of n's or Xaa's**  
    **(NEW RULES)**      Use of n's and/or Xaa's have been detected in the Sequence Listing.  
                            Per 1.823 of Sequence Rules, use of <220>-<223> is MANDATORY if n's or Xaa's are present.  
                            In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.
  - 10    **Invalid <213>**  
    **Response**      Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or scientific name (Genus/species). <220>-<223> section is required when <213> response is Unknown or Artificial Sequence
  - 11      **Use of <220>**      Sequence(s)          missing the <220> "Feature" and associated numeric identifiers and responses.  
                            Use of <220> to <223> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or "Unknown." Please explain source of genetic material in <220> to <223> section.  
                            (See "Federal Register," 06/01/1998, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of Sequence Rules)
  - 12      **PatentIn 2.0**  
    **"bug"**      Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.
  - 13      **Misuse of n/Xaa**      "n" can only represent a single nucleotide; "Xaa" can only represent a single amino acid



IFW16

## RAW SEQUENCE LISTING

DATE: 05/17/2006

PATENT APPLICATION: US/10/798,750A

TIME: 09:58:58

Input Set : A:\22563 Seq 20060330 client.txt

Output Set: N:\CRF4\05172006\J798750A.raw

3 <110> APPLICANT: KAZUHIRO, KONDO  
 4 MICHIO, OISHI  
 5 OSAMU, OHARA  
 7 <120> TITLE OF INVENTION: PARTIAL HOMOLOGOUS RECOMBINATION OF DNA CHAIN  
 9 <130> FILE REFERENCE: SUSU122563  
 11 <140> CURRENT APPLICATION NUMBER: US 10/798,750A  
 12 <141> CURRENT FILING DATE: 2004-03-10  
 14 <150> PRIOR APPLICATION NUMBER: JP 2003-068176  
 15 <151> PRIOR FILING DATE: 2003-03-13  
 17 <160> NUMBER OF SEQ ID NOS: 21  
 19 <170> SOFTWARE: PatentIn version 3.3  
 21 <210> SEQ ID NO: 1  
 22 <211> LENGTH: 62  
 23 <212> TYPE: DNA  
 24 <213> ORGANISM: oligo DNA  
 26 <400> SEQUENCE: 1  
 27 atccgataaa gcttgatata gaattcctgc agcccggggg atccactagt tctagagcgg  
 29 cc  
 32 <210> SEQ ID NO: 2  
 33 <211> LENGTH: 25  
 34 <212> TYPE: DNA  
 35 <213> ORGANISM: oligo DNA  
 37 <400> SEQUENCE: 2  
 38 gggatocact agttctagag cggcc  
 41 <210> SEQ ID NO: 3  
 42 <211> LENGTH: 29  
 43 <212> TYPE: DNA  
 44 <213> ORGANISM: oligo DNA  
 46 <400> SEQUENCE: 3  
 47 ccgggggatc cactagttct agagcggcc  
 50 <210> SEQ ID NO: 4  
 51 <211> LENGTH: 40  
 52 <212> TYPE: DNA  
 53 <213> ORGANISM: oligo DNA  
 55 <400> SEQUENCE: 4  
 56 attcctgcag ccgggggat ccactagttc tagagcggcc  
 59 <210> SEQ ID NO: 5  
 60 <211> LENGTH: 60  
 61 <212> TYPE: DNA  
 62 <213> ORGANISM: oligo DNA  
 64 <400> SEQUENCE: 5  
 65 atcgataagc ttgatata attcctgcag cccgggggat ccactagttc tagagcggcc  
 68 <210> SEQ ID NO: 6

Does Not Comply  
 Corrected Diskette Needed

(pg.1-3)

Invalid  
 Response

Invalid  
 Response

Same  
 error

Same  
 error

Same  
 error

Mandatory,

<213> responses  
 has to be

either  
 Artificial,

Unknown

or  
 Genus/Species

See item #10 on error  
 Summary sheet

## RAW SEQUENCE LISTING

DATE: 05/17/2006

PATENT APPLICATION: US/10/798,750A

TIME: 09:58:58

Input Set : A:\22563 Seq 20060330 client.txt

Output Set: N:\CRF4\05172006\J798750A.raw

69 <211> LENGTH: 20  
 70 <212> TYPE: DNA  
 71 <213> ORGANISM: Primer **Invalid**  
 73 <400> SEQUENCE: **Response**  
 74 gaacccaaag cccacaccag 20  
 77 <210> SEQ ID NO: 7  
 78 <211> LENGTH: 27  
 79 <212> TYPE: DNA  
 80 <213> ORGANISM: oligo DNA **Invalid**  
 82 <400> SEQUENCE: **Response**  
 83 gggaacaaaa gctggagctc caccgag 27  
 86 <210> SEQ ID NO: 8  
 87 <211> LENGTH: 20  
 88 <212> TYPE: DNA  
 89 <213> ORGANISM: oligo DNA **Invalid**  
 91 <400> SEQUENCE: **Response**  
 92 caggactcca gcaaagcact 20  
 95 <210> SEQ ID NO: 9  
 96 <211> LENGTH: 24  
 97 <212> TYPE: DNA  
 98 <213> ORGANISM: oligo DNA **Invalid**  
 100 <400> SEQUENCE: **Response**  
 101 cgccagggtt ttcccagtcg cgac 24  
 104 <210> SEQ ID NO: 10  
 105 <211> LENGTH: 25  
 106 <212> TYPE: DNA  
 107 <213> ORGANISM: Primer **Invalid**  
 109 <400> SEQUENCE: **Response**  
 110 gggatggagg ttctctttgg attcc 25  
 113 <210> SEQ ID NO: 11  
 114 <211> LENGTH: 22  
 115 <212> TYPE: DNA  
 116 <213> ORGANISM: Primer **Same**  
 118 <400> SEQUENCE: **error**  
 119 acccgtgtaa acaggagcca ga  
 122 <210> SEQ ID NO: 12  
 123 <211> LENGTH: 23  
 124 <212> TYPE: DNA  
 125 <213> ORGANISM: Primer **Same**  
 127 <400> SEQUENCE: **error**  
 128 tgtccagtag agcgttcggt cct 23  
 131 <210> SEQ ID NO: 13  
 132 <211> LENGTH: 25  
 133 <212> TYPE: DNA  
 134 <213> ORGANISM: Primer **Same**  
 136 <400> SEQUENCE: **error**  
 137 tgacaggtga cgagtgtgag ctatc 25  
 140 <210> SEQ ID NO: 14  
 141 <211> LENGTH: 25

See item

20

#10 on

24

error

Summary

Sheet.

22

23

25

RAW SEQUENCE LISTING

DATE: 05/17/2006

PATENT APPLICATION: US/10/798,750A

TIME: 09:58:58

Input Set : A:\22563 Seq 20060330 client.txt

Output Set: N:\CRF4\05172006\J798750A.raw

Same  
errors

142 <212> TYPE: DNA	
143 <213> ORGANISM: Primer	
145 <400> SEQUENCE: 14	
146 ggacgaactg ctcaaagcca tttgg	25
149 <210> SEQ ID NO: 15	
150 <211> LENGTH: 25	
151 <212> TYPE: DNA	
152 <213> ORGANISM: Primer	
154 <400> SEQUENCE: 15	
155 cgtcatacct aaagtgtctcc tcaag	25
158 <210> SEQ ID NO: 16	
159 <211> LENGTH: 20	
160 <212> TYPE: DNA	
161 <213> ORGANISM: Primer	
163 <400> SEQUENCE: 16	
164 gccactccct tcccgattca	20
167 <210> SEQ ID NO: 17	
168 <211> LENGTH: 21	
169 <212> TYPE: DNA	
170 <213> ORGANISM: Primer	
172 <400> SEQUENCE: 17	
173 cgaggcgtag ctggtcaatg g	21
176 <210> SEQ ID NO: 18	
177 <211> LENGTH: 21	
178 <212> TYPE: DNA	
179 <213> ORGANISM: Primer	
181 <400> SEQUENCE: 18	
182 atattgcttg gattctacgt g	21
185 <210> SEQ ID NO: 19	
186 <211> LENGTH: 21	
187 <212> TYPE: DNA	
188 <213> ORGANISM: Primer	
190 <400> SEQUENCE: 19	
191 ggacgtaagg ataacattct g	21
194 <210> SEQ ID NO: 20	
195 <211> LENGTH: 23	
196 <212> TYPE: DNA	
197 <213> ORGANISM: Primer	
199 <400> SEQUENCE: 20	
200 cttegggcgt gtggaaagat acc	23
203 <210> SEQ ID NO: 21	
204 <211> LENGTH: 22	
205 <212> TYPE: DNA	
206 <213> ORGANISM: Primer	
208 <400> SEQUENCE: 21	
209 cgagcgagag ggagagattg ga	22



**VERIFICATION SUMMARY**

PATENT APPLICATION: US/10/798,750A

DATE: 05/17/2006

TIME: 09:58:59

Input Set : A:\22563 Seq 20060330 client.txt

Output Set: N:\CRF4\05172006\J798750A.raw